

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES BASHON GARNER,)	
)	
Plaintiff,)	Case No. 2:05-cv-79
)	
v.)	HON. RICHARD ALAN ENSLEN
)	
UNKNOWN NAPEL, <i>et al.</i> ,)	
)	
Defendants.)	<u>PARTIAL JUDGMENT</u>

In accordance with the Opinion filed this date;

IT IS HEREBY ORDERED that Plaintiff's claims against Defendants Napel, Milliner and Schater are **DISMISSED WITHOUT PREJUDICE** for lack of exhaustion of available administrative remedies as required by 42 U.S.C. § 1997e(a).

IT IS FURTHER ORDERED that in accordance with Administrative Order No. 03-029, the Clerk shall return to Plaintiff with a copy of this Order, one copy of the Complaint and any exhibits.

IT IS FURTHER ORDERED that immediately upon receipt of this Order, Plaintiff shall request that the prison make **12** copies of the Complaint and exhibits for service upon each Defendant for whom service has been ordered.

IT IS FURTHER ORDERED that within fifteen business days of this Order, Plaintiff shall file with the Court the requisite number of copies of the Complaint and exhibits along with copies of this Order OR an affidavit explaining why Plaintiff is unable to provide the requested copies within the fifteen-day period. Should the Court find that the prison failed to make copies

upon Plaintiff's request, the Court will direct the Clerk to make such copies as may be necessary and to charge the Michigan Department of Correction for the cost of copying at the Court's usual rate of \$.50 per page.

IT IS FURTHER ORDERED that Plaintiff's failure to submit the requested copies within the time provided by the Court may result in the dismissal of his action without prejudice by the district judge.

IT IS FURTHER ORDERED that upon receipt of the copies required by this Order, the Clerk shall arrange for service of Summons and Complaint, along with a copy of this Order, upon Defendants Carter, Perrault, Mahoney, Leece, Marcotte, Etten, Liatala, Sundholm, White, Nennis, Camron and John .

IT IS FURTHER ORDERED that Defendants shall reply to the Complaint after service, by way of answer, motion to dismiss, or motion for summary judgment, within the time allowed by law. *See* 42 U.S.C. § 1997e(g).

Dated in Kalamazoo, MI:
July 1, 2005

/s/Richard Alan Enslin
Richard Alan Enslin
United States District Judge